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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,549	07/24/2003	Francois Le Maner	Q71800	8208
23373	7590	07/26/2005		
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER KEASEL, ERIC S	
			ART UNIT	PAPER NUMBER
			3754	

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Tate

Office Action Summary	Application No. 10/625,549	Applicant(s) MANER, FRANCOIS LE	
	Examiner Eric Keasel	Art Unit 3754	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Arnold et al. (US Patent Number 5,947,340).

Arnold et al. disclose a manually actuated fluid dispenser pump comprising a pump body (120, 220, 320), a piston (130, 230, 330) mounted to slide in leaktight manner in said pump body between a rest position and an actuating position, an actuating rod (126, 226, 326) connected integrally to said piston, and a ferrule (156, 256, 356) fixed to the top edge of the pump body, to define the rest position for said piston, said actuating rod being mounted to slide in said ferrule, said pump being characterized in that the ferrule is provided with at least one internal sealing lip (inner part of 156, 164, or the inner part of 356 with 364) co-operating in leaktight manner with said actuating rod; said at least one sealing lip extends over the entire periphery of said ferrule; said at least one sealing lip is made integrally with said ferrule; said at least one sealing lip is flexible so that leaktightness is guaranteed between itself and said actuating rod, even when the actuating force exerted on the actuating rod is not exactly axial; said sealing lip of the ferrule centers and/or guides the actuating rod in said ferrule and/or said pump body; said ferrule is made integrally with a fixing ring organized to fix said pump to a fluid reservoir; said ferrule is

made of a single material (in the embodiments of Figs. 3-5); and said ferrule is made of a plurality of materials (in the embodiment of Fig. 6).

3. Claims 12 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by VanBrocklin (US Patent Number 6,036,059).

VanBrocklin discloses a manually actuated fluid dispenser pump, comprising: a pump body (12), a piston (40, 16) mounted to slide in leaktight manner in the pump body between a rest position and an actuating position, a rod (40, 16) that actuates the piston from the piston's rest position to the piston's actuating position, and a ferrule (54) at an upper portion of the pump body; and wherein the ferrule is a stop that prevents further upward axially movement of the piston when the piston is in the rest position (see Fig. 2); wherein the actuating rod is mounted to slide within the ferrule; wherein the ferrule comprises at least one internal sealing lip co-operating in leaktight manner with the actuating rod; and wherein a part of the piston abuts against the ferrule when the piston is in the rest position (see Fig. 2).

Response to Arguments

4. Applicant's arguments filed May 9, 2005 have been fully considered but they are not persuasive.

Applicant argues that the piston of Arnold et al. does not abut the ferrule in the rest position. The examiner agrees. This limitation appears in newly added claim 13 that is rejected as being anticipated by VanBrocklin. The broader recitations in original claim 1 and newly added claim 12 do not require the piston to abut the ferrule. The ferrule of Arnold et al. can be

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characterized as defining a rest position as the piston. The ferrule of both Arnold et al. and VanBrocklin meets the limitation that it stops further upward axial movement of the piston because the piston can not move above the ferrule without disassembling the device.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Keasel whose telephone number is (571) 272-4929. The examiner can normally be reached on Monday-Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Mar can be reached on (571) 272-4906. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Eric Keasel 22 JUL 2005

Eric Keasel
Primary Examiner
Art Unit 3754